

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Timothy Beers

v.

Civil No. 20-cv-968-LM

Warden, New Hampshire
State Prison, et al.

ORDER

Plaintiff Timothy Beers, an inmate at the New Hampshire State Prison for Men who is proceeding in this case without an attorney, has filed two motions to stop retaliation against him, see Doc. Nos. [5](#) and [9](#), which were referred and submitted to Magistrate Judge Andrea K. Johnstone for review. On May 20, 2021, Magistrate Judge Johnstone issued a Report and Recommendation recommending, among other things, that I deny those two motions without prejudice. Doc. No. [10](#). The plaintiff was then given until September 21, 2021 to object to that aspect of Magistrate Judge Johnstone's recommendation.

As that deadline has passed, and no objection has been filed on this issue, I herewith approve Magistrate Judge Johnstone's May 20, 2021 Report and Recommendation that the plaintiff's motions to stop retaliation be denied without prejudice. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court[,] and those not preserved by such objection are precluded on appeal." [Sch. Union No. 37 v. United Nat. Ins. Co.](#), 617 F.3d 554, 564 (1st Cir. 2010) (quoting [Keating v. Sec'y of Health & Hum. Servs.](#), 848 F.2d 271, 275 (1st Cir. 1988)); see also [United States v. Valencia-Copete](#), 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to

magistrate's report will waive the right to appeal). The remainder of the May 20, 2021 Report and Recommendation, however, including its recommendation that I dismiss Claims 5 through 8 of the plaintiff's complaint, remains under advisement pending completion of the extended period allotted to the plaintiff to object to issues regarding the sufficiency of his pleadings. See September 23, 2021 Endorsed Order (granting motion to extend deadline to respond to recommendation to dismiss Claims 5-8 of the complaint).

SO ORDERED.



Landya B. McCafferty
Chief Judge

September 23, 2021

cc: Timothy C. Beers, pro se